

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PIERRE JORDAN,

Plaintiff,

V.

JOHN MCCALED and MARC WILSON,

Defendants.

Case No. 3:22-cv-2422-RJD

ORDER

DALY, Magistrate Judge:

Plaintiff Pierre Jordan, an inmate at Western Illinois Correctional Center, filed this action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983. By order dated October 24, 2022, Plaintiff was granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915 (Doc. 9). Plaintiff was assessed an initial partial filing fee of \$33.49. An initial partial payment of \$12.00 was received on October 31, 2022. Payments in the amount of \$3.40, \$15.40, and \$3.40 were made on December 6, 2022, January 12, 2023, and January 19, 2023, respectively. These payments reflect the entirety of Plaintiff's initial partial filing fee. The remainder of the \$350.00 filing fee was to be collected pursuant to Section 1915(b)(2), which directs prison officials to collect 20% of the preceding month's income, each time the prisoner's account exceeds \$10.00.

In the Motion to Review Filing Fees (Doc. 31), Plaintiff alleges that he is being “overcharged” and cites to the fact that this case was filed in the Central District of Illinois prior to being transferred to this District. Plaintiff has not attached any trust fund account statements to his motion, but has attached two documents that appear to be receipts evidencing payments to

this Court totaling \$22.00 on May 10, 2023 and \$32.60 on May 15, 2023¹.

The Court has reviewed the filing fee payments in this matter and find the payments made on May 10 and May 15, 2023 are reflected as paid. Plaintiff has also made additional payments amounting to a total of \$215.17. Plaintiff still owes \$134.83². Although the Court is unable to discern the source of the May 10 and May 15, 2023 payments based on the information provided, it reiterates that prison officials have been directed to collect 20% of Plaintiff's preceding month's income "each time" his account exceeds \$10.00. Thus, there may be instances where multiple payments are made in short succession. Further, without a trust fund account statement, the Court is unable to determine whether the payments made accurately reflected 20% of Plaintiff's preceding month's income.

For clarification, collection of filing fees in prisoner civil cases is governed by 28 U.S.C. § 1915(b), which provides:

(1) The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

(A) the average monthly deposits to the prisoner's account; or

(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

¹ Plaintiff also attached other notices of electronic filing to his motion that are not relevant to the discussion at hand.

² The Court has attached Plaintiff's filing fee statement for this case to this Order to better clarify for Plaintiff the payments that have been made toward his filing fee.

IT IS THEREFORE ORDERED that Plaintiff's Motion (Doc. 31) is **GRANTED** insofar as the undersigned has reviewed Plaintiff's payments toward his filing fee. The Court finds no obvious errors based on the documentation before it.

IT IS FURTHER ORDERED that a copy of this order shall be sent by the Clerk of Court to the Warden and the Trust Fund Officer of Western Illinois Correctional Center. Payments toward filing fees must be collected in the manner prescribed by 28 U.S.C. § 1915(b) and as ordered by the Court.

IT IS SO ORDERED.

DATED: August 3, 2023

s/ *Reona J. Daly*
Hon. Reona J. Daly
United States Magistrate Judge